UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CONNIE STEELMAN,)
Plaintiff,)
)
V.) No. 4:12CV114 TIA
F & J SALEM, LLC, d/b/a)
CROWLEY HOME CENTER,)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Compel Deposition (Doc. No. 29).

The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On January 20, 2012, Plaintiff filed a Complaint for injunctive relief, alleging violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C.§§ 12181 et seq., for failure to provide accessible facilities that accommodate Plaintiff's wheelchair. This Court issued a Case Management Order ("CMO") on August 2, 2012, which set forth, *inter alia*, the discovery deadlines in this case. According to the CMO, "[t]he parties shall complete written discovery, witness depositions, party depositions, and any inspections of the Defendant's premises by Plaintiff no later than **May 29**, **2013**." (Case Management Order ¶ 6(f), ECF No. 22)

On June 13, 2013, Defendant filed a motion to compel Plaintiff's deposition, indicating that it made several attempts to communicate with the *pro se* Plaintiff in order to schedule Plaintiff's deposition. However, Plaintiff did not respond with any available dates. Subsequently, Defendant sent a letter and Notice of Deposition to Plaintiff via email and postal mail, setting her deposition for June 5, 2013 in St. Louis, Missouri. Plaintiff failed to appear at the scheduled deposition, despite the

fact that Defendant accommodated her request to not schedule depositions during the winter months

due to her disability.

In its motion, Defendant requests that this Court order Plaintiff to show cause for her failure

to attend the noticed deposition and order Plaintiff to appear for deposition. Plaintiff has failed to

file a response in opposition to the motion to compel, and the time for doing so has expired. The

Court finds that an order to show cause is appropriate in this matter, as Plaintiff has been non-

responsive to Defendant's correspondence and has failed to comply with discovery deadlines ordered

by this Court.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Compel (Doc. No. 29) is

GRANTED to the extent that the Court will issue a show cause order to Plaintiff.

IT IS FURTHER ORDERED that Plaintiff shall show cause, in writing and no later than

July 10, 2013, why she has failed to comply with Defendant's Notice of Deposition and with this

Court's Case Management Order. Failure to do so will result in dismissal of this action.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE

Dated this 25th day of June, 2013.

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